



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes BOARD OF ZONING APPEALS

*James A. Mills, Ward 3, Chairman*  
*J. K. Lowman, Ward 2, Vice Chairman*  
*Susan Grant, Ward 1*  
*G. Marshall Dye, Ward 4*  
*Ronald Clark, Ward 5*  
*William "Bill" J. Martin, Ward 6*  
*Justice Barber, Ward 7*

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Monday, March 25, 2013

6:00 PM

City Hall Council Chambers

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Present: James A. Mills, Susan Grant, William "Bill" J. Martin, G. Marshall Dye, J. K. Lowman, Ronald Clark, and Justice Barber

*Staff:*

*Brian Binzer, Development Services Director*  
*Rusty Roth, Development Services Manager*  
*Patsy Bryan, Secretary to the Board*  
*Shelby Little, Urban Planner*  
*Steve Crane, City Attorney*

### CALL TO ORDER:

*Chairman Mills called the March 25, 2013 Board of Zoning Appeals Meeting to order at 6:00 p.m.*

### MINUTES:

**20130382**

#### **February 25, 2013 Board of Zoning Appeals Meeting Minutes**

Review and Approval of the February 25, 2013 Board of Zoning Appeals Meeting Minutes

*Mr. Lowman moved to accept the February 25, 2013 Board of Zoning Appeals Meeting Minutes, seconded by Mr. Dye. The motion carried 7-0.*

**A motion was made by Board member J. K. Lowman, seconded by Board member G. Marshall Dye, that this matter be Approved and Finalized . The motion carried by the following vote: 7 – 0 – 0.**

### VARIANCES:

**20130224****V2013-12 Ronald J. Phillips, Trustee/Chairman (Grace Pointe Marietta Baptist Church)**

**V2013-12 [VARIANCE] RONALD J. PHILLIPS, TRUSTEE/CHAIRMAN (GRACE POINTE MARIETTA BAPTIST CHURCH)** requests a variance for property located in Land Lot 02880, District 17, Parcel 0520, 2nd Section, Marietta, Cobb County, Georgia and being known as 505 Atlanta Street. Variance to reduce required 5 acre minimum to 2.6 acres for a school, college, and university. [708.23(B.20)] Ward 3.

*File #20130224 (V2013-12) was presented by Mr. Roth for property located in Land Lot 02880, District 17, Parcel 0520 and being known as 505 Atlanta Street.*

*Public hearing was held.*

*Mr. Ronald J. Phillips, petitioner for the owners, Grace Pointe Marietta Baptist Church, is requesting a variance to waive the 5 acre minimum for an elementary school. According to Mr. Phillips the Atlanta Classic Christian Academy, an established and accredited school is looking to relocate first to eighth grades. Discussion between Mr. Phillips and Chairman Mills indicated that up to 150 students would be enrolled.*

*Prince Dell expressed concern about the increase in traffic.*

*Mr. Phillips stated that primary access will be on East Dixie Avenue.*

*Chairman Mills and Mr. Phillips discussed limited access to Garrison Drive.*

*Public hearing was closed.*

*Chairman Mills made a motion, seconded by Ms. Grant, to approve the variance with the following conditions:*

- 1. The school will have a maximum of 150 students.*
- 2. Any queue for school drop off and/or pick up must be performed on East Dixie Avenue and not on Atlanta Street. The school will also have to ensure that traffic on East Dixie Avenue will still be able to negotiate the road as much as possible. If there is a need due to congestion or confusion during drop off/pick up times, the school may need to have traffic control (police) on site.*
- 3. Any request to expand the church building or parking lot will require approval from the Board of Zoning Appeals.*
- 4. The church will work with the city of Marietta regarding "no access" on Garrison Drive.*

*The rationale being that granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.*

*Motion carried 7 – 0 – 0.*

**A motion was made by Board member James A. Mills, seconded by Board member Susan Grant, that this matter be Approved as Stipulated . The motion carried by the following vote: 7 – 0 – 0.**

**20130237****V2013-13 Anna K. Norris 405 Saint Mary's Lane**

**V2013-13 [VARIANCE] ANNA K. NORRIS** requests a variance for property located in Land Lot 10830, District 16, Parcels 0020 and 0360, 2nd Section, Marietta, Cobb County, Georgia and being known as 405 Saint Mary's Lane. Variance to waive the minimum standards for parking and driveway surfaces so as to allow the use of slate chips for driveway. [716.08(B)] Ward 4.

*File #20130237 (V2013-13) was presented by Mr. Roth for property located in Land Lot 10830, District 16, Parcels 0020 and 0360 and being known as 405 Saint Mary's Lane.*

*Public hearing was held.*

*Mr. Kevin Moore, petitioner for the owner, Anna K. Norris is requesting a variance to waive the minimum standards for parking and driveway surfaces so as to allow the use of slate chips for a driveway.*

*As stated by Mr. Moore, this came about as a result of a code enforcement officer driving through the neighborhood.*

*Public hearing was closed.*

*Mr. Dye made a motion to approve the variance, seconded by Mr. Lowman, with the stipulation that a concrete apron with a minimum length of 16', measured from where the slate driveway meets the curb, be installed.*

*The rationale being that granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare. Motion carried 7-0.*

**A motion was made by Board member G. Marshall Dye, seconded by Board member J. K. Lowman, that this matter be Approved as Stipulated . The motion carried by the following vote: 7 – 0 – 0.**

**20130239****V2013-14 C. W. Edwards 2799 Delk Road**

**V2013-14 [ VARIANCE] C. W. EDWARDS** requests variances for property located in Land Lot 08690, District 17, Parcel 0060, 2nd Section, Marietta, Cobb County, Georgia and being known as 2799 Delk Road. Variance to allow four detached signs along the same road frontage; and variance to allow a detached sign for an individual tenant. Ward 1.

*File #20130239 (V2013-14) was presented by Mr. Roth for property located in Land Lot 08690, District 17, Parcel 0060 and being known as 2799 Delk Road.*

*Public hearing was held.*

*Mr. C. W. Edwards, the applicant, is requesting a variance to allow four detached signs along the same road frontage and a variance to allow a detached sign for an individual tenant. The tenant, Jay Patel, spoke on how the sign would generate more business.*

*There was no one in opposition or in favor.*

*The public hearing was closed.*

*Ms. Grant made a recommendation to deny the variances, seconded by Mr. Martin. Motion carried 7 – 0 – 0.*

**A motion was made by Board member Susan Grant, seconded by Board member William "Bill" J. Martin, that this matter be Denied . The motion carried by the following vote: 7 – 0 – 0.**

**20130240**

**V2013-15 Keith Cristal 1798 Roswell Road**

**V2013-15 [VARIANCE] KEITH CRISTAL** requests variances for property located in Land Lot 11340, District 16, Parcel 0100, 2nd Section, Marietta, Cobb County, Georgia and being known as 1798 Roswell Road. Variance to waive the minimum standards for parking and driveway surfaces so as to allow parking of vehicles on an untreated hardened surface. [716.08(B)] Ward 7.

*File #20130240 (V2013-15) was presented by Mr. Roth for property located in Land Lot 11340, District 16, Parcel 0100 and being known as 1794-1798 Roswell Road.*

*Public hearing was held.*

*Mr. Keith Cristal, petitioner for the owner, Four H. Ches LLC, is requesting a variance to waive the minimum standards for parking and driveway surfaces so as to allow parking of vehicles on an untreated hardened surface.*

*According to Mr. Cristal, there are no RV/boat storage facilities in Marietta.*

*There was no one in opposition or in favor.*

*Public hearing was closed.*

*Mrs. Barber made a motion, seconded by Mr. Martin, to recommend approval of the variance with the following stipulations:*

- 1. All boat/RV storage areas must be covered with gravel, slate, stone, or other similar material. However, the material, as well as the size and depth of the material on site, must be approved by the Public Works Director. This material must be in place and approved by Code Enforcement and the Public Works Department prior to obtaining a business license to store boats/RVs on the property.*
- 2. Street trees will be planted along the front of the road, but each tree is planted within the legal requirements set forth in the existing Tree Ordinance in the city of Marietta.*
- 3. An opaque fence, covered with a dark green or black windscreen in areas except adjacent to street, must be installed along the property line between the subject property and the apartment complex. The fence must be installed within one year of the date of the approved variance.*
- 4. The existing/abandoned "JOA Marine" pole sign must be reduced for height and change the fascia within one (1) year of the date of the approved variance.*

*The rationale being that granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare. Motion carried 7 – 0 – 0.*

A motion was made by Board member Justice Barber, seconded by Board member William "Bill" J. Martin, that this matter be Approved as Stipulated . The motion carried by the following vote: 7 – 0 – 0.

**20130241**

**V2013-16 William Favara 156 Normandy Drive**

**V2013-16 [VARIANCE] WILLIAM FAVARA** request variance for property located in Land Lot 12270, District 16, Parcel 0550, 2nd Section, Marietta, Cobb County, Georgia and being known as 156 Normandy Drive. Variance to waive the requirement that the finished side of a fence must face the exterior. [710.04(A)] Ward 3.

*File #20130241 (V2013-16) was presented by Mr. Roth for property located in Land Lot 12270, District 16, Parcel 0550 and being known as 156 Normandy Drive.*

*Public hearing was held.*

*The applicant, William Favara, is requesting a variance to allow the unfinished side of his fence face the exterior. Mr. Favara explained that his adult dog jumps over the chain link fence and could easily jump over the wooden privacy fence if the unfinished side of the fence faces the interior.*

*Mr. Favara presented a list of neighbors in support of his request. Neighbors on both sides of house signed the petition of approval which does not include the property owner in the rear.*

*Mr. Roth stated that the city has no objection to leaving the chain link fence.*

*There was no one in opposition or ni favor.*

*Public hearing was closed.*

*Chairman Mills made a motion to approve the variance, seconded by Mr. Lowman, with the following stipulations:*

- 1. Temporary gate on left hand side be corrected as soon as possible.*
- 2. Fence along the rear property line that abuts property located at 157 Kirkpatrick Drive be shadow boxed.*

*The rationale for granting the application is that it will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare. Motion carried 6– 0 – 1. Mrs. Barber abstained.*

A motion was made by Board member James A. Mills, seconded by Board member J. K. Lowman, that this matter be Approved as Stipulated . The motion carried by the following vote: 6 – 0 – 1.

**Abstain:** 1 - Board member Barber

**20130242**

**V2013-17 Stephen Imler 149 South Avenue**

**V2013-17 [VARIANCE] STEPHEN IMLER** request variance for property located in Land Lot 12340, District 16, Parcel 0360, 2nd Section, Marietta, Cobb

County, Georgia and being known as 149 South Avenue. Variance to waive the requirements that all animals shall be located within an enclosed building and adequate sound and odor control shall be maintained, so as to allow up to four dogs to be unsupervised in an outdoor, fenced dog run. [708.16(B.3)] Ward 1.

*File #20130242 (V2013-17) was presented by Mr. Roth for property located in Land Lot 12340, District 16, Parcel 0360 and being known as 149 South Avenue.*

*Public hearing was held.*

*Mr. Steve Imler, a resident of 599 Church Street and chairman for the Humane Society of Cobb County, is requesting a variance for their facility at 149 South Avenue.*

*Mr. Imler proposed using shrubbery, additional fencing (e.g. wooden "stockade" style), or a screening material added to the portion of the existing chain link fence that is visible from South Avenue.*

*The following people spoke in opposition:*

*David Wade, owner of 134 South Avenue, has an engineering business in the rear of the building and rents out an office in the front of the property to Shawna Brodie, a massage therapist. Mr. Wade is concerned about his ability to lease property in the future, if the variance is approved.*

*Ms. Brodie explained that the nature of her business requires peace and quiet.*

*Mrs. Amy Linton, a resident of 160 South Avenue and the closest residence to the subject property, is concerned about noise caused by inadequate screening from other neighborhood dogs.*

*Public hearing closed.*

*Ms. Grant moved to approve the variance, seconded by Mr. Lowman, with the following stipulations:*

- 1. Some type of monitoring system for noise be installed so someone inside the building can hear when the dogs are getting out of hand;*
- 2. The screening material shall be either shrubbery, additional fencing (e.g. wooden "stockade" style), or a screening material added to the portion of the existing chain link fence that is visible from South Avenue;*
- 3. No more than 4 dogs are allowed in the pen at one time.*
- 4. A staff person or volunteer must remain on site, but not necessarily in direct supervision of the dogs during the time the dogs are left outdoors so that, should the dogs become noisy or loud, they can be promptly relocated indoors.*

*The rationale being that granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare. Motion carried 7 – 0 – 0.*

**A motion was made by Board member Susan Grant, seconded by Board member J. K. Lowman, that this matter be Approved as Stipulated . The motion carried by the following vote: 7 – 0 – 0.**

**ADJOURNMENT:**

*Mr. Lowman made a motion to adjourn, seconded by Mr. Dye. The March 25, 2013 Board of Zoning Appeals adjourned at 7:57 p.m.*

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*JAMES A. MILLS, CHAIRMAN*

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*PATSY BRYAN, SECRETARY*